UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/68
10 December 1990
ENGLISH
ORIGINAL: SPANISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 10 DECEMBER 1990 FROM THE PERMANENT
REPRESENTATIVE OF COLOMBIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Colombia to the United Nations presents his compliments to the Secretary-General and has the honour to enclose with this note the answers to the questionnaire on measures taken by the Government of Colombia to implement Security Council resolution 661 (1990).

Annex

Answers to the questionnaire concerning national measures taken by the Government of Colombia to implement resolution 661 (1990)

1. (a) The relevant legislation is that which empowers the Consejo Directivo de Comercio Exterior (Executive Council on Foreign Trade) to make decisions on such matters, namely, Decree No. 444/67, articles 46 and 208, and Decree No. 151/76, article 6;

(b) No. Administrative measures have been taken. (See answer No. 6);

(c) The Consejo Directivo de Comercio Exterior, acting through the Instituto Colombiano de Comercio Exterior (Colombian Foreign Trade Institute) (INCOMEX) has promulgated its decision No. 027 dated 17 August 1990.

2. (a) The Instituto Colombiano de Comercio Exterior (INCOMEX);

(b) None, as the system is rather rigid and centralized.

3. (a) See answer 2 (a);

(b) See answer 2 (b).

4. (a) All transfers of financial resources out of the country are supervised by the Oficina de Cambios del Banco de la República (National Bank Exchange Office);

(b) See answer 2 (b).

5. No enforcement measures have been applied nor have any breaches been detected.

6. (a) None, as our trade with Iraq and Kuwait is practically nil (sporadic and rather insignificant);

(b) None, as no contracts had been let nor licences granted to either country;

(c) This aspect is covered by the INCOMEX decision mentioned above.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/69
10 December 1990
ENGLISH
ORIGINAL: FRENCH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 6 DECEMBER 1990 FROM THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of France to the United Nations presents its compliments to the Secretary-General and has the honour, with reference to his note verbale of 8 October 1990, to transmit herewith the reply of the French Government to the questionnaire concerning the implementation of Security Council resolution 661 (1990).

READEX
FICHE

Annex

Reply of France to the questionnaire concerning national measures to implement Security Council resolution 661 (1990)

1. Legislative framework

(a) (i) Council Regulations (EEC) No. 2340/90 of 8 August 1990 and No. 3155/90 of 29 October 1990, preventing trade by the European Economic Community (EEC) as regards Iraq and Kuwait. These Regulations, adopted by the Council of the European Communities, refer explicitly to Security Council resolution 661 (1990). They are binding on all States members of the Community and are directly enforceable under French national law;*

(ii) The Customs Code, as amended by Decree No. 48-1985 of 8 December 1948. This Code is a systematic collection of the texts of numerous laws and regulations. It constitutes the legal basis, in particular, for punishment of breaches of the embargo;

(iii) Act No. 66-1008 of 18 December 1966 concerning financial relations with foreign countries. This Act is applicable to such financial transactions with Iraq as were not the subject of a prior declaration and agreement;*

(b) No specific legislation has been submitted to the French Parliament.

(c) (i) Decree No. 90-681 of 2 August 1990 (Official Gazette of 3 August 1990) regulating financial relations with certain countries;*

(ii) Decree making Act No. 66-1008 applicable to financial transactions with Iraq and Kuwait;

(iii) Order of 4 August 1990 concerning financial relations with certain countries.*

Modalities for the application of Decree No. 90-681

France has established an interministerial co-ordination structure, reporting to the Prime Minister, for the purpose of monitoring the implementation of Security Council resolutions on economic relations with Iraq and Kuwait.

---

* The texts may be consulted in room S-3520.

2. Control of imports or activities which would promote or are calculated to promote imports or transshipment of goods from Iraq and Kuwait

(a) Reporting to the Minister of Economy, Finance and Budget:

(i) The Treasury Department checks whether financial transactions are in order;

(ii) The Department of Customs and Excise, through the regional customs departments, monitors movements in the importation and exportation of goods;

(b) (i) On 5 August 1990, immediate implementation of the measures instituting an embargo on oil products from Iraq and Kuwait;

(ii) On 9 August 1990, implementation of embargo measures pursuant to Council Regulation (EEC) No. 2340/90.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

(a) As part of the embargo, all applications for the export of goods to Iraq and Kuwait are subject to a joint review co-ordinated by the Prime Minister's office.

All exports are subject to the administrative formalities of the Customs and Treasury Departments, which carry out the overall monitoring for the Ministry of Economy and Finance of transactions, including exports to Iraq and Kuwait.

A commission reporting directly to the Prime Minister is responsible for investigating applications for the export of military equipment and sensitive items and for the preparation of the Prime Minister's decision;

(b) (i) On 3 August 1990, the Customs Department issued a directive concerning the suspension of exports or re-exports of military equipment or sensitive items to Iraq or Kuwait pending verification of the final destination;

(ii) On 14 August 1990, the Customs Department issued a directive concerning the monitoring of movements of exports towards certain sensitive countries, particularly by air;

(iii) On 22 August 1990, the Customs Department issued a directive concerning the monitoring of commercial vessels by the Customs Service in territorial waters;

(iv) On 4 September 1990, the Prime Minister issued a directive to maritime prefects concerning the implementation of the embargo via the monitoring of commercial navigation in French territorial waters and the contiguous zone. This directive implements Security Council resolutions 661 (1990) and 665 (1990);

(v) On 4 October 1990, the National Civil Aviation Office issued NOTAM A/4352/90, concerning the implementation of the air embargo measures called for in Security Council resolution 670 (1990);

(vi) On 11 October 1990, the Prime Minister issued a directive concerning the implementation of the air embargo in implementation of Security Council resolutions 661 (1990) and 670 (1990);

(vii) On 11 October 1990, the Prime Minister issued a directive concerning the implementation of the measures set out in paragraph 8 of Security Council resolution 670 (1990) in respect of Iraqi commercial ships which have violated the trade embargo.

The export of medicines is subject to prior authorization by the Government.

To date, there has been no export of foodstuffs. Should this occur, the procedures called for in Security Council resolution 666 (1990) and the EEC Regulations will be put into effect.

4. Control of financial or economic resources

(a) The Minister of Economy and Finance, working with the other Ministries directly concerned (Industry, Sea, Agriculture, etc.) is responsible for financial and economic control; this group is empowered to prevent the transfers specified in Security Council resolution 661 (1990);

(b) On 6 August 1990, the Customs and Treasury Departments took the necessary measures to prevent unauthorized movements of funds.

5. Enforcement

(a) Enforcement measures are spelt out in the legislation mentioned in paragraph 1 (c);

(b) Enforcement measures provided for in the Customs Code include fines and the impounding and confiscation of goods and the transport facilities used.

6. Other

(a) Problems encountered

It is difficult to block commercial transactions with Iraq which are arranged in one country (France, for example) but actually carried out by enterprises situated in a third country which may not respect the embargo.

Companies have been ordered to stop providing any technical support or service after sales to Iraq. At issue is the attitude that should be adopted vis-à-vis foreign nationals compelled by the Iraqi Government to continue their activities.

(c) Measures to protect Kuwaiti assets

Financial and customs control measures have made it possible to deal favourably with Kuwaiti nationals having no ties to Iraq.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/70
12 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 5 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF MYANMAR TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Union of Myanmar to the United Nations presents his compliments to the Secretary-General and has the honour to inform him that the Government of the Union of Myanmar, in compliance with Security Council resolution 670 (1990) of 25 September 1990, has issued directives to the government departments concerned to ensure the effective implementation of the provisions of the resolution.

90-35191 2173b (E)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/71
13 December 1990
ENGLISH
ORIGINAL: CHINESE

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 10 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF CHINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the People's Republic of China to the United Nations presents his compliments to the Secretary-General and has the honour to transmit herewith the reply to the questionnaire annexed to the latter's note dated 8 October 1990.

Annex

Measures that the Chinese Government has adopted in implementation of Security Council resolution 661 (1990)

Soon after the adoption of Security Council resolution 661 (1990), an interministerial co-ordinating body, which comprises the relevant ministries under the State Council of China, for the overall co-ordination and supervision of the implementation of resolution 661 (1990) was set up, with the Foreign Ministry as the chief co-ordinator.

On 2 August 1990, the Spokesman of the Chinese Foreign Ministry announced that China would not sell any weapons to Iraq. Thereupon, the departments concerned in China prescribed regulations, pursuant to which, inter alia, all deliveries of military equipment and spare parts, military supplies and police equipment are stopped and no new armament contracts with Iraq or its agents in any form are allowed to be negotiated.

On 7 August 1990, the Ministry of Foreign Economic Relations and Trade prescribed regulations on China's trade with Iraq and Kuwait, which were immediately communicated to its subordinate institutions and corporations:

(a) To stop importing any commodity and product from Iraq and Kuwait;

(b) To stop exporting any commodity and product, including military goods, to Iraq and Kuwait;

(c) To stop implementing all business contracts with Iraq and Kuwait that had been signed by companies concerned before Security Council resolution 661 (1990) was adopted.

On 7 August 1990, the General Customs Commission of China issued a circular to all its subordinate customs offices throughout China decreeing strict implementation of the relevant provisions of resolution 661 (1990).

Other departments concerned of the Chinese Government have also adopted their own corresponding and effective measures.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/72
18 December 1990
ENGLISH
ORIGINAL: ARABIC

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 17 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, and in response to the questionnaire annexed to your note dated 8 October 1990 concerning national measures for the implementation of Security Council resolution 661 (1990), I have the honour to inform you that the Sudan has declared its full commitment to Security Council resolution 661 (1990) and all the relevant Council resolutions subsequent thereto.

Accordingly, the Government of the Sudan has issued the necessary instructions to its various branches to ensure the effective implementation of the provisions of these resolutions.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Joseph LAGU
Permanent Representative

90-36273 2180d (E)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/73
18 December 1990
ENGLISH
ORIGINAL: RUSSIAN

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

Note verbale dated 13 December 1990 from the Permanent Representative of the Ukrainian Soviet Socialist Republic to the United Nations addressed to the Secretary-General

The Permanent Representative of the Ukrainian Soviet Socialist Republic to the United Nations presents his compliments to the Secretary-General and, with reference to the latter's note verbale of 2 November 1990, has the honour to transmit herewith information from the Government of the Ukrainian SSR on the measures taken at the national level in implementation of Security Council resolution 661 (1990).

The Permanent Representative of the Ukrainian SSR to the United Nations would be grateful to the Secretary-General if he would circulate this information as a document of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.

Annex

Information on measures taken to implement Security Council resolution 661 (1990)

In connection with Security Council resolution 661 (1990) and further to the information provided previously on the subject of the implementation of sanctions against Iraq, the following information is provided.

The position of the Ukrainian SSR with regard to Iraq's aggression against Kuwait is set forth in the statement issued by the Supreme Soviet of the Ukrainian SSR on 4 August 1990 (A/45/394-S/21462, annex), which specifies, in particular, that the Ukrainian SSR views as inadmissible the use of force to settle any international dispute that is not the result of an act of armed aggression and maintains that Iraqi forces must withdraw from the territory of Kuwait.

The Ukrainian SSR supports all the resolutions adopted by the Security Council in connection with Iraq's aggression against Kuwait, including the latest one - resolution 678 (1990) of 29 November 1990 - and is taking steps to give practical effect to their provisions.

Following the adoption of resolution 661 (1990) by the Security Council, all the Republic's trade and economic relations with Iraq, which were on a limited scale, were completely frozen. At the present time the Ukrainian SSR does not maintain any trade, economic or financial relations whatsoever with Iraq or Iraqi-occupied Kuwait, and it likewise has no air or other transport links with them.

According to information from the consular section of the Ministry of Foreign Affairs of the Republic, visas for travel by Soviet citizens from the Ukrainian SSR to Iraq have not been issued since the beginning of August 1990.

Since by virture of the division of jurisdiction between the USSR and the Ukrainian SSR trade, economic and financial relations with Iraq are governed by the provisions of Union legislation and the regulations issued by Soviet organs, the order to sever such relations was issued by the Council of Ministers of the USSR on 16 August 1990. Information on that measure, and on all other measures that have been taken, was provided in the note verbale from the Permanent Mission of the USSR to the United Nations addressed to the Secretary-General on 31 October 1990 (S/AC.25/1990/25).

The necessary steps for the enforcement of these measures are being taken in the Ukrainian SSR under the leadership of the Council of Ministers of the Ukrainian SSR, its Foreign Economic Commission and other organs.

The Ukrainian SSR will continue in future to lend appropriate support for the action taken by the Security Council with the aim of ending Iraq's aggression against Kuwait and re-establishing international peace and security in that part of the world.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/74
19 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 17 DECEMBER 1990 FROM THE PERMANENT
REPRESENTATIVE OF AUSTRIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General and, with reference to the latter's note of 16 October 1990, has the honour to enclose a report on the measures taken by Austria in implementation of Security Council resolution 670 (1990).

Annex

Following the adoption of Security Council resolution 670 (1990), Austria has taken the necessary measures to implement the said resolution. These measures comprise the following:

1. The resolution was published in the Federal Law Gazette as well as in the Civil Aviation Bulletin.

2. According to a decree of 14 August 1990 by the Federal Minister for Economic Affairs, under the Federal Foreign Trade Act, the export of commodities and goods destined to or originating from Kuwait or Iraq is subject to prior permission by the competent authority. Except under circumstances defined in resolution 661 (1990) which relate to supplies for medical purposes and, in humanitarian circumstances, foodstuffs, permission for such activities will not be granted. This import and export control covers the obligation imposed by paragraph 3 of resolution 670 (1990).

3. Close co-ordination has been established between the Civil Aviation Authority (which receives requests for overflight permission) and the Federal Ministry for Foreign Affairs. Permission to overfly Austrian territory is not granted to any aircraft destined to land in Iraq or Kuwait unless the State of origin of a particular flight has confirmed that the aircraft was inspected to ensure that no cargo is on board in violation of resolution 661 (1990) or that the flight has been approved by the Committee established by resolution 661 (1990). If no such confirmation is given by the country of origin, no overflight permission is granted.

4. In case of an aircraft taking off from Austrian territory, with destination Iraq or Kuwait, such aircraft is inspected with a view to ensuring compliance with the provisions of resolution 670 (1990).

5. In accordance with paragraph 7 of resolution 670 (1990), Austria has supported the resolution concerning the civil aviation violations of Kuwait by Iraq following the Iraqi invasion of Kuwait adopted at the twenty-eighth session of the Extraordinary Assembly of the International Civil Aviation Organization, held at Montreal in October 1990.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/75
19 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 13 DECEMBER 1990 FROM THE PERMANENT
REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the United States of America to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the reply of the Government of the United States to the questionnaire on the implementation of Security Council resolution 661 (1990).

Annex

Responses to questionnaire

1. Legislative framework:

(a) What is the legislative basis on which your country has undertaken to implement Security Council resolution 661 (1990)?

Response - Resolution 661 (1990) has been implemented by section 204 (b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703 (b); section 201 of the National Emergencies Act, 50 U.S.C. section 1621; and the United Nations Participation Act, 22 U.S.C. section 287c.

(b) Has there been any specific legislation enacted pursuant to Security Council resolution 661 (1990)?

Response - The United States Congress enacted the Iraq Sanctions Act of 1990, P.L. 101-513, 104 Stat. 2047-55 (copy attached)* on 5 November 1990, which, inter alia, enhances the penalities for violation of the executive orders (see (c) below) implementing resolution 661 (1990).

(c) What types of administrative orders, decrees, etc., has your country passed pursuant to the relevant laws?

Response - The President of the United States issued four executive orders in response to the Iraqi invasion of Kuwait. Executive Orders 12722 and 12723 were issued on 2 August 1990 and Executive Orders 12724 and 12725 were issued on 9 August 1990. The Treasury Department's Office of Foreign Assets Control has issued regulations regarding Kuwaiti assets as well as 13 General Licences concerning Iraq and Kuwait. (copies attached)*

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait.

(a) Which authorities in your country are responsible for implementing the control of imports or activities as required by Security Council resolution 661 (1990)?

Response - The United States Department of the Treasury is responsible for implementing the control of imports and related activities as required by resolution 661 (1990). The specific organizations in the Treasury Department are the Office of Foreign Assets Control, which has overall responsibility for the implementation and enforcement of the United States embargoes, and the Customs Service, which controls the flow of imports across United States borders.

---

* The texts may be consulted in room S-3520.

(b) What specific measures has your country established to prevent breaches of Security Council resolution 661 (1990) by imports or activities covered by it?

Response - Except as licenced by the Treasury Department, the executive orders (see 1 (c) above) prohibit exports and imports by United States persons of goods, technology and services to or from Iraq or Kuwait, and dealings in Iraqi-origin or Kuwaiti-origin property exported from Iraq or Kuwait after 6 August 1990, and promoting any of these activities. The licences issued by the Treasury Department's Office of Foreign Assets Control permit certain transactions with the legitimate Government of Kuwait and its commercial entities in order to support that Government and to prevent the depreciation of its assets. General Licence 2 and section 507.509 of the Kuwaiti Regulations provide for imports of pre-embargo oil shipments, where no benefit will go to Iraq. United States persons engaging in prohibited transactions are subject to administrative penalties and/or civil or criminal prosecution.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait.

(a) Which authorities in your country are responsible for implementing the control of exports or activities as required by Security Council resolution 661 (1990)?

Response - The United States Department of the Treasury is responsible for implementing the control of exports and related activities as required by resolution 661 (1990). The specific organizations in the Department of the Treasury are the Office of Foreign Assets Control (OFAC), which has overall responsibility for the implementation and enforcement of the United States embargoes, and the United States Customs Service and the United States Commerce Department, which assist OFAC in its enforcement responsibilities.

(b) What specific measures has your country established to prevent breaches of Security Council resolution 661 (1990) by exports of items or activities covered by it?

Response - Please see response to 2 (b) above. Specific measures are sections 570.205 and 507.507 of the Kuwaiti Regulations issued by the Office of Foreign Assets Control and section 2 (b) of the Executive Orders. In addition, the United States Customs Service, the United States Coast Guard and the Commerce Department assume responsibility for preventing exports from the United States and pursuing violators. OFAC has blocked all Iraqi and Kuwaiti Government property and financial assets in the United States, including closing one United States corporation owned by the Government of Iraq that was involved in export activities. OFAC will soon begin using its Specially Designated Nationals of Iraq programme to identify publicly those firms and individuals owned or controlled by or acting for or on behalf of the Government of Iraq and therefore deemed to constitute part of the Government of Iraq. Such a designation means that United States persons cannot export to them and that any of their property within United States jurisdiction would be blocked.

4. Control of financial or economic resources:

(a) What system of control exists in your country to prevent transfers of financial or economic resources covered by Security Council resolution 661 (1990)?

Response - OFAC has blocked all tangible or intangible property in which the Government of Iraq or the Government of Kuwait has an interest, thereby prohibiting any transactions with respect to this property. Specific licences have been granted to allow certain activity to support the legitimate Government of Kuwait and to permit commercial activity by its commercial entities. United States banks are required to block assets and prevent transfers of these assets. Federal and state bank regulatory agencies audit bank records to ensure bank compliance with the asset freeze. OFAC works with the bank regulatory agencies to ensure their understanding of the sanctions programme, and to take appropriate enforcement action.

(b) What specific measures has your country taken so as to prevent unauthorized movements of funds in contravention of Security Council resolution 661 (1990)?

Response - Specific measures regarding the prohibition of financial transfers are found in sections 570.201, 570.207 and 570.210 of the Kuwaiti Regulations. The regulations impose specific reporting requirements on all United States banks to track correspondent accounts to insure that the United States banking system is not used to transfer funds to Iraq or Kuwait. This is also covered in sections 1, 2 (f) and 2 (g) of the executive orders. Unauthorized transactions involving Iraq or Kuwait as well as blocked property or financial assets of either Government are subject to civil or criminal penalties, or both. In addition, detailed reports on blocked accounts are required, where licences have been issued; a census of blocked assets is to be undertaken; and financial institutions and other persons are required to report suspicious accounts and transactions.

5. What type of enforcement (penalties, seizures, forfeitures, etc.) does your country apply so as to prevent breaches of Security Council resolution 661 (1990) by individuals and companies in your country?

Response - In addition to the civil and criminal penalty authority already existing in the International Emergency Economic Powers Act, the United States has enacted the Iraq Sanctions Act of 1990, which provides for:

- Administrative penalties not to exceed $250,000;

- Criminal penalties of $1,000,000 or 12 years imprisonment, or both.

All of the penalties may be applied to individuals, including corporate officers, directors and agents, but corporate entities are subject only to fines.

The United Nations Participation Act, 22 U.S.C. section 287c (b), makes provision for the seizure and forfeiture of property involved in a violation of the executive orders or implementing regulations and licences.

6. Other:

(a) What problems has your country confronted in ensuring full national implementation of Security Council resolution 661 (1990)?

Response - The United States has experienced no significant problems in implementing resolution 661 (1990).

(b) What legislative or other measures has your country taken so as to implement Security Council resolution 661 (1990) with regard to contracts entered into or licences granted before the date of the resolution?

Response - The United States sanctions do not provide for contract sanctity. However, completion of certain transactions that arose before 2 August have been authorized where no benefit would go to Iraq or where transactions involve the legitimate Government of Kuwait.

Examples are completion of pre-embargo oil shipments from Iraq or Kuwait that were on the high seas, payments under letters of credit in which the Government of Iraq or the Government of Kuwait has an interest, and completion of certain securities and foreign exchange and similar transactions pre-dating the embargo. OFAC issues general and specific licences to cover such transactions. The Commerce Department has revoked all validated export licences for ultimate destinations in Iraq or Kuwait.

(c) What specific measures has your country taken to protect the assets of the legitimate Government of Kuwait and its agencies in accordance with paragraph 9 (a) of Security Council resolution 661 (1990)?

Response - The President issued Executive Orders 12723 on 2 August 1990, and 12725 on 9 August 1990, which protect the assets of the legitimate Government of Kuwait in the United States. These executive orders specifically block all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of United States persons, including their foreign branches ensuring that no such property may be transferred without authorization.

OFAC has assembled a sophisticated régime of general and specific licences that are intended to preserve and protect the assets of the Government of Kuwait and certain of their commercial entities for the benefit of their rightful owner. This régime permits the use of foreign assets and investments and the conduct of commercial operations in order to avoid the immobilization of the Government of Kuwait's funds and investments and to prevent the unnecessary depreciation of those assets.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/76
20 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 14 DECEMBER 1990 FROM THE PERMANENT MISSION OF ZAMBIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Zambia to the United Nations presents its compliments to the Secretary-General and has the honour to state that with regard to resolution 670 (1990) adopted by the Security Council at its 2943rd meeting, on 15 September 1990, the Government of the Republic of Zambia is complying fully with the provisions of the stated resolution under existing statutes, specifically under treaty obligations.

90-36884 2064e (E)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/AC.25/1990/77
31 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 14 DECEMBER 1990 FROM THE PERMANENT
REPRESENTATIVE OF THE BAHAMAS TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Commonwealth of the Bahamas to the United Nations presents his compliments to the Secretary-General and has the honour to refer to several notes concerning the situation between Iraq and Kuwait.

Further to his note of 31 August 1990 (S/21691) the Permanent Representative of the Commonwealth of the Bahamas has the honour to inform that the following additional action has been taken by the Government of the Commonwealth of the Bahamas in accordance with Security Council resolution 661 (1990):

Orders issued by the Minister of Finance under the Customs Management Act prohibiting the import and export of goods from or to Iraq and Kuwait*

---

* The text of the orders may be consulted in room S-3520.